

IN RE: PETITION FOR VARIANCE  
NE/S Bird River Road at Meadow  
Glen and Rohe Farm Lane  
15th Election District  
5th Councilmanic District  
  
Rohe Farm Lane Dev., Inc.  
Petitioner

\* BEFORE THE  
\* DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
  
\* Case No. 95-121-A  
  
\*

\* \* \* \* \*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Variance for that property located along Bird River Road between Meadow Glen and Rohe Farm Lane in the Middle River area of southeastern Baltimore County. The Petition was filed by the owner of the property, Rohe Farm Lane Development, Inc., by Thomas O. Frech, through their attorney, David Meadows, Esquire. The Petitioner seeks relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: Variance Request No. 1 - from Section 1B01.2.C.2.a of the B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a rear window to tract boundary setback of 30 feet in lieu of the required 35 feet for Lots 5 through 14; Variance Request No. 2 from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a side building face to side building face setback of 25 feet in lieu of the required 40-foot window to window setback between Lots 1 through 14, 36 through 40, 47 through 54, and 62 through 65; Variance Request No. 3 - from Section 1B01.2.C.1 of the B.C.Z.R. and Section V.B.3.b of the C.M.D.P. to permit a height to height setback of 25 feet in lieu of the required 40 feet for elevation heights of 30 feet between Lots 1 through 14, 36 through 40, 47 through 54, and 62 through 65; Variance Request No. 4 - from Section 1B01.2.C.2.b of the B.C.Z.R. and Section

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V.B.6.c of the C.M.D.P. to permit a side building face to side building face setback of 16 feet in lieu of the required 40-foot window to window setback between Lots 15 through 35, 41 through 46, and 55 through 61; Variance Request No. 5 - from Section 1B01.2.C.1 and Section V.B.3.b to permit a height to height setback of 16 feet in lieu of the required 40 feet for elevation heights of 30 feet between Lots 15 through 35, 41 through 46, and 55 through 61; and Variance Request No. 6 - from Section 1B01.2.C.2.a of the B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a side building face to tract boundary setback of 20 feet for Lot 46 and Lot 55 and 25 feet for Lot 54 in lieu of the required 35 feet. The subject property and relief sought are more particularly described on the site plan submitted and marked into evidence as Petitioner's Exhibit 1.

Appearing at the hearing on behalf of the Petition were Thomas O. Frech for Rohe Farm Lane Development, Inc., Rick Chadsey, Professional Engineer, and David Meadows, Esquire, attorney for the Petitioners. Appearing in opposition to the Petitioner's request were several residents of the surrounding community, all of whom signed the Citizen Sign-In Sheet.

Testimony and evidence offered revealed that the subject property consists of 21.118 acres, more or less, of which .907 acres are zoned D.R.1 with the remaining 20.211 acres zoned D.R.2. The property was originally approved for development through the old CRG process on August 31, 1989 and is proposed for development with 41 single family dwellings, a few of which have already been built. Some of the owners of those developed lots appeared at the hearing, namely Roger Faw, Bill and Mary Pielert, Walter and Diane Frazier, and Leo and Phyliss Rohe, who resided in the community prior to the development of this subdivision, and Paul Wellman who resides in the vicinity of this project. Testimony indicated

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Date

By

that the Petitioner seeks the variance relief set forth above to allow it the flexibility to offer a variety of home styles from which a buyer may choose. Mr. Frech testified that market demands have changed since this property was approved for development in 1989. He testified that many potential purchasers have expressed the desire for more windows in their homes. Mr. Frech would also like to build homes with steeper pitched roofs which he believes would aesthetically enhance the appearance of this development as well as the surrounding community. Testimony indicated that the Petitioner believes the requested variances are necessary in order to effectively develop the property under present market conditions.

As noted above, several residents of the surrounding community appeared in opposition to the relief requested. All of the citizens indicated their concern that the developer will attempt, by virtue of the requested variances, to locate the houses in this subdivision closer together. They noted that the developer has already clustered lots in the northwestern end of this subdivision and as a result, many of the lots are small and some are what is now designated as "zipper lots". Given this configuration, the houses that will be constructed in this development will be situated close together.

In reviewing each of the variances requested with the members of the community present, it was determined that these citizens were not opposed to Variance Request No. 1 which seeks a rear window to tract boundary setback of 30 feet in lieu of the required 35 feet for Lots 5 through 14. These lots are located along the northeast tract boundary line of the development and will not affect those homeowners present at the hearing. After further discussion of this variance request and in consideration of

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12/16/94  
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the testimony offered by the Petitioner, it appears that Variance Request No. 1 should be granted.

The citizens were most concerned about Variance Request Nos. 2 and 4 which deal with window to window setbacks for many of the lots which are located immediately adjacent to those properties which have already been built, three of which are owned by citizens who appeared at the hearing. Those citizens fear that allowing windows to be placed in the sides of the proposed dwellings on those lots would adversely affect the privacy that they currently enjoy and increase visibility into their homes. They believe that to the extent these variance requests would adversely affect their existing homes, the relief requested should be denied. However, they are not opposed to the window to window variances requested for those lots which have not been improved. They believe the potential buyers of those lots would then make the choice as to whether they want side windows in their homes which would be in close proximity to their neighbor. After considering the testimony and evidence offered by both the Petitioner and the citizens in attendance at the hearing, it was determined that the variance for a window to window setback of 16 feet on the east side of Lot 54 should be denied in that windows in the proposed dwelling on that lot would adversely affect the Frazier property at 1013 Rohe Farm Lane. Furthermore, the variance requested for a window to window setback of 16 feet on the west side of Lot 46 shall also be denied in that the proposed dwelling thereon will face the Frazier dwelling. Therefore, those specific variance requests for the east side of Lot 54 and the west side of Lot 46 shall be denied. Furthermore, Bill and Mary Pielert were concerned about the window to window setback requested for Lot 56. Mr. & Mrs. Pielert reside on Lot 55, or 1011 Rohe Farm Lane. The Pielerts do not want any

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Date

By

windows on the west side of the proposed dwelling on Lot 56 which they believe would infringe upon their privacy. Therefore, the variance requested for a window to window setback on the west side of Lot 56 shall be denied. No other current resident of this subdivision who attended the hearing was affected by the remaining window to window variance requests set forth in Variance Requests Nos. 2 and 4, and therefore, the remainder of those requests shall be granted.

The Developer next reviewed Variance Request No. 3 which dealt with height to height setbacks of houses which are yet to be constructed. Mr. Frech testified that he wishes to offer a steeper pitched roof on the proposed homes in this subdivision. By doing so he believes will make a more attractive home that will enhance the value of those already existing in the community as well as any future homes. Specifically, Variance Requests Nos. 3 and 5 deals with the pitched roof the developer proposes. None of the citizens present had any objections to the granting of these variances, and as such, these variances shall be granted.

Finally, Variance Request No. 6 deals specifically with Lots 46, 55 and 54 which surround the Frazier home at 1013 Rohe Farm Road. The testimony offered by Mr. & Mrs. Frazier was that they are not opposed to these variances so long as windows are not installed in the sides of those homes facing their home. Therefore, this request shall be granted.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;

2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28  
(1974).

It is clear from the testimony that if the variances, as modified herein, are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variances requested shall be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 6<sup>th</sup> day of December, 1994 that the Petition for

ORDER RECEIVED FOR FILING  
Date 12/14/94  
By [Signature]

*[Handwritten signature]*

Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) and the Comprehensive Manual of Development Policies (C.M.D.P.) as follows: Variance Request No. 1 - From Section 1B01.2.C.2.a of the B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a rear window to tract boundary setback of 30 feet in lieu of the required 35 feet for Lots 5 through 14; Variance Request No. 2 - from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a side building face to side building face setback of 25 feet in lieu of the required 40-foot window to window setback for Lots 1 through 14, 36 through 40, 47 through the west side of Lot 54, and Lots 62 through 65; Variance Request No. 3 - from Section 1B01.2.C.1 of the B.C.Z.R. and Section V.B.3.b of the C.M.D.P. to permit a height to height setback of 25 feet in lieu of the required 40 feet for elevation heights of 30 feet for Lots 1 through 14, 36 through 40, 47 through 54 and 62 through 65; Variance Request No. 4 - from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a side building face to side building face setback of 16 feet in lieu of the required 40-foot window to window setback between Lots 15 through 35, Lots 41 through the east side of Lot 46, Lot 55 and the east side of Lot 56, and Lots 57 through 61; Variance Request No. 5 - from Section 1B01.2.C.1 and Section V.B.3.b to permit a height to height setback of 16 feet in lieu of the required 40 feet for elevation heights of 30 feet between Lots 15 through 35, 41 through 46 and 55 through 61; and Variance Request No. 6 - from Section 1B01.2.C.2.a of the B.C.Z.R. and Section V.B.5.a of the C.M.D.P. to permit a side building face to tract boundary setback of 20 feet for Lots 46 and 55 and 25 feet for Lot 54 in lieu of the required 35 feet for each, be and are hereby GRANTED, subject to the following restrictions:

ORDER RECEIVED FOR FILING

Date

By

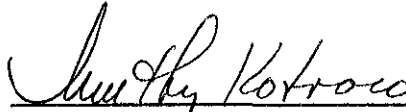
1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) There shall be no windows in the sides of the proposed dwellings on Lots 46, and 54 facing the Frazier home at 1013 Rohe Farm Lane. Furthermore, there shall be no windows in the west side of the proposed dwelling on Lot 56 facing the Pielert home at 1011 Rohe Farm Lane.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a side building face to side building face setback of 25 feet in lieu of the required 40-foot window to window setback for the east side of Lot 54, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.2.b of the B.C.Z.R. and Section V.B.6.c of the C.M.D.P. to permit a side building face to side building face setback of 16 feet in lieu of the required 40-foot window to window setback for the west sides of Lots 46 and 56 be and is hereby DENIED.

  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

ORDER RECEIVED FOR FILING  
Date 12/6/94  
By [Signature]



Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



Suite 112 Courthouse  
400 Washington Avenue  
Towson, MD 21204

December 6, 1994

(410) 887-4386

David Meadows, Esquire  
4111 East Joppa Road  
Baltimore, Maryland 21236

RE: PETITION FOR VARIANCE  
NE/S Bird River Road at Meadow Glen and Rohe Farm Lane  
15th Election District - 5th Councilmanic District  
Rohe Farm Lane Dev., Inc. - Petitioner  
Case No. 95-121-A

Dear Mr. Meadows:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, reading "Timothy M. Kotroco".

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: Mr. & Mrs. Walter Frazier, 1013 Rohe Farm Lane, Baltimore, Md. 21220

Mr. & Mrs. Bill Pielert, 1011 Rohe Farm Lane, Baltimore, Md. 21220

Mr. & Mrs. Leo Rohe, 1014 Rohe Farm Lane, Baltimore, Md. 21220

Mr. Paul Wellman, 10007 Bird River Road, Baltimore, Md. 21220

Mr. Roger Faw, 1019 Rohe Farm Lane, Baltimore, Md. 21220

People's Counsel; File

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# Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at Bird River Road and Rohe Farm Lane

which is presently zoned DR-1 and DR-2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attached

95-121-A

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See Attached

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner:

David Meadows

(Type or Print Name)

Signature

4111 East Joppa Road 529-4600

Address Phone No.

Baltimore, Maryland 21236

City State Zipcode

(We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition

Legal Owner(s):

Rohe Farm Lane Development, Inc.

(Type or Print Name)

Signature

Thomas O. Frech

(Type or Print Name)

Signature

5024 Campbell Boulevard - Suite M 931-4670

Address Phone No.

Baltimore, Maryland 21236

City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates \_\_\_\_\_ Next Two Months

ALL ☒ OTHER

REVIEWED BY: [Signature] DATE 9-30-94

ORDER RECEIVED FOR FILING

Date

By



**Variances requested:**

1. Rear Window to Tract Boundary of 30 feet in lieu of the 35 feet as required by the Baltimore County Zoning Regulations (BCZR 1971-1992) Section 1B01.2.C.2.a and the previous Comprehensive Manual of Development Policies (CMDP) Section V.B.5.a for lots 5-14.
2. Side Building Face to Side Building Face Setback of 25 feet in lieu of the 40 feet Window to Window Setback as required by the BCZR 1971-1992 Section 1B01.2.C.2.b and the previous CMDP Section V.B.6.c between lots 1-14, 36-40, 47-54 and 62-65.
3. Height to Height Setback of 25 feet in lieu of the 40 feet for elevation heights of 30 feet as required by the BCZR 1971-1992 Section 1B01.2.C.1 and the previous CMDP Section V.B.3.b between lots 1-14, 36-40, 47-54 and 62-65.
4. Side Building Face to Side Building Face Setback of 16 feet in lieu of the 40 feet Window to Window Setback as required by the BCZR 1971-1992 Section 1B01.2.C.2.b and the previous CMDP Section V.B.6.c between lots 15-35, 41-46 and 55-61.
5. Height to Height Setback of 16 feet in lieu of the 40 feet for elevation heights of 30 feet as required by the BCZR 1971-1992 Section 1B01.2.C.1 and the previous CMDP Section V.B.3.b between lots 15-35, 41-46 and 55-61.
6. Side Building Face to Tract Boundary of 20 feet for lots 46 and 55 and 25 feet for lot 54 in lieu of the 35 feet as required by the Baltimore County Zoning Regulations (BCZR 1971-1992) Section 1B01.2.C.2.a and the previous Comprehensive Manual of Development Policies (CMDP) Section V.B.5.a.

**For the following reasons:**

This is an older project which was approved under the previous Zoning Regulations and CMDP. The builder community has been gearing their products toward the current Zoning regulations and CMDP. These variances will only bring this project up to the current standards outlined in the new Zoning Regulations and CMDP. Should these variances not be granted it would create a practical hardship by forcing to compete in a market place where other builders can produce a product compatible under the current standards.

Please note that this project contains a substantial number of zipper lots which are permitted special provisions within the new CMPD due to the use of "Alternative Housing Types". These special provisions are reflected under Variances 4, 5 and 6.

122

FROM THE OFFICE OF  
GEORGE WILLIAM STEPHENS, JR., & ASSOCIATES, INC.  
ENGINEERS  
658 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204

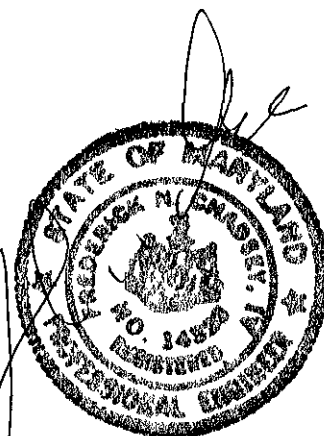
Description to accompany Variance Petition  
Rohe Farm

August 8, 1994  
page -1-

95-121-H

Beginning at the same point on the southerly right-of-way of Bird River Road, said point being South 87 degrees 00 minutes East 30.50 feet from the point formed by the intersection of the centerline of Bird River Road with the centerline of Rohe Farm Lane, running thence leaving said point of beginning, the following 25 courses;

1. Along the southerly right-of-way of Bird River Road North 49 degrees 59 minutes 53 seconds East 420.14 feet,
  2. Thence leaving said right-of-way South 44 degrees 54 minutes 28 seconds East 885.02 feet,
  3. South 38 degrees 28 minutes 30 seconds East 122.32 feet,
  4. South 45 degrees 05 minutes 32 seconds West 88.56 feet,
  5. South 31 degrees 49 minutes 32 seconds West 50.00 feet,
  6. North 58 degrees 10 minutes 28 seconds West 42.22 feet,
  7. South 31 degrees 49 minutes 32 seconds West 66.00 feet,
  8. South 58 degrees 10 minutes 28 seconds East 10.00 feet,
  9. South 02 degrees 51 minutes 42 seconds West 17.14 feet,
  10. South 58 degrees 10 minutes 28 seconds East 18.00 feet,
  11. South 79 degrees 21 minutes 42 seconds West 41.50 feet,
  12. South 58 degrees 10 minutes 28 seconds West 18.00,
  13. South 02 degrees 51 minutes 42 seconds West 17.14,
  14. North 58 degrees 10 minutes 28 seconds East 74.70 feet,
  15. South 16 degrees 30 minutes 02 seconds West 161.07 feet,
  16. South 71 degrees 59 minutes 58 seconds East 142.49 feet,
  17. South 39 degrees 13 minutes 15 seconds East 60.00 feet,
  18. South 05 degrees 46 minutes 45 seconds West 21.21 feet,
  19. South 50 degrees 46 minutes 45 seconds West 60.00 feet to the northerly right-of-way of Rohe Farm Lane,
  20. Continuing along said right-of-way North 39 degrees 13 minutes 15 seconds West 395.89 feet,
  21. South 39 degrees 00 minutes 07 seconds West 445.34 feet,
  22. Leaving said right-of-way North 50 degrees 07 minutes 53 seconds East 130.00 feet,
  23. North 39 degrees 00 minutes 07 seconds West 100.00 feet,
  24. South 50 degrees 07 minutes 53 seconds West 130.00 feet returning to northerly right-of-way of Rohe Farm Lane,
  25. Continuing along said right-of-way South 39 degrees 00 minutes 07 seconds West 366.66 feet, to the point of beginning.
- Containing 12.362 acres more or less.



NOTE: THE ABOVE DESCRIPTION IS FOR ZONING PURPOSES ONLY AND IS NOT TO BE USED FOR AGREEMENTS OR CONVEYANCES.

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122

**CERTIFICATE OF POSTING**  
**ZONING DEPARTMENT OF BALTIMORE COUNTY**  
Towson, Maryland

95-121-17

District 158A Date of Posting 10/15/94

Posted for: Variance

Petitioner: Robo Farm Lane Development, Inc.

Location of property: NE/S Bird River Rd, 4 Meadow Glen & Robo Farm

Location of Signs: Facing road & on property being zoned

Remarks: \_\_\_\_\_

Posted by [Signature] Date of return: 10/31/94  
Signature

Number of Signs: 1



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# NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case Number:  
95-121-A (Item 122)  
NE/S Bird River Road at  
Meadow Glen Road and  
Rohe Farm Lane  
Rohe Farm

15th Election District  
5th Councilmanic  
Petitioner(s):

Rohe Farm Lane  
Development, Inc.  
HEARING: WEDNESDAY,  
NOVEMBER 2, 1994 at  
11:00 a.m. in Rm. 118, Old  
Courthouse.

Variance: to permit rear window to tract boundary of 30 feet in lieu of the 35 feet as required for lots 5-14; to permit side building face to side building face setback of 25 feet in lieu of the 40 feet window to window setback between lots 1-14, 36-40, 47-54, and 62-65; to permit height to height setback of 25 feet in lieu of the 40 feet for elevation heights of 30 feet as required between lots 1-14, 36-40, 47-54, and 62-65; to permit side building face to side building face setback of 16 feet in lieu of the 40 feet window to window setback as required between lots 15-35, 41-46, and 55-61; to permit height to height setback of 18 feet in lieu of the 40 feet for elevation heights of 30 feet as required between lots 15-35,

41-46, and 55-61; and to permit side building face to tract boundary of 20 feet for lots 46 and 55 and 25 feet for lot 54 in lieu of the 35 feet as required.

LAWRENCE E. SCHMIDT,  
Zoning Commissioner for  
Baltimore County

NOTES: (1) Hearings are Handicapped accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the File and/or Hearing, Please Call 887-3391.

10/127 October 13.

# CERTIFICATE OF PUBLICATION

TOWSON, MD.,

Oct. 14, 1994

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Oct. 13, 1994.

THE JEFFERSONIAN,

*A. Henrichson*  
LEGAL AD. - TOWSON

~~Publication~~

10/14/94



**Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204**

# receipt

Account: R-001-6150.

Date 9-30-94

Item Number 122

Taken by *SP*

owner: Rake Farm Lane Development Inc.

5. File: Subdivision of Raker Farm

95-121-A

II-070

085

Max Amt (Laukot Variance) 650.00

2 stops (@ 3.5<sup>00</sup> ea.) and posting ————— 70

Total 720.

**MICROFILMED**

02A02#04 34RUCRRC  
BA COLID:04AM09-30-94

\$720.00

**Please Make Checks Payable To: Baltimore County**

## Cashier Validation

Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 95-121-A
- 1) Posting fees will be accessed and paid to this office at the time of filing.
  - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.:

122

Petitioner:

Rob Formis

Location:

PLEASE FORWARD ADVERTISING BILL TO:

NAME:

Doreen Meadows, MCRIF.

ADDRESS:

4111 E Joppa Rd

Balt, Md 21236

PHONE NUMBER:

529-4600

AJ:ggs

(Revised 04/09/93)





Item Number: 122  
Planner: JJS  
Date Filed: 9-30-94

P E T I T I O N   P R O C E S S I N G   F L A G

This petition has been accepted for filing, after an initial review, and has been placed on the agenda for the zoning advisory committee. However, the following items were found to be missing or incomplete when the petition was included on the agenda by Sophia. A copy of this "flag" will be placed in the case file for the Zoning Commissioner's review. The planner that accepted the petition for filing has the option of notifying the petitioner and/or attorney prior to the hearing or Zoning Commissioner's review of the petition regarding the items noted below. If the petitioner/attorney is contacted by the planner, it is the petitioner's ultimate decision and responsibility to make a proper application, address any zoning conflicts, and to file revised petition materials if necessary. Delays and unnecessary additional expenses may be avoided by correcting the petition to the proper form.

95-121-A

Need an attorney

✓ The following information is missing:

- Descriptions, including accurate beginning point
- Actual address of property
- Zoning
- Acreage
- Plats (need 12, only        submitted)
- 200 scale zoning map with property outlined
- Election district
- Councilmanic district
- BCZR section information and/or wording
- Hardship/practical difficulty information
- Owner's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Contract purchaser's signature (need minimum 1 original signature) and/or printed name and/or address
- ✓ ~~Signature (need minimum 1 original signature) and/or printed name and/or~~ title of person signing for legal owner/~~contract purchaser~~
- ✓ Power of attorney or authorization for person signing for legal owner ~~and/or contract purchaser~~
- Attorney's signature (need minimum 1 original signature) and/or printed name and/or address and/or telephone number
- Notary Public's section is incomplete and/or incorrect and/or commission has expired

Baltimore County Government  
Office of Zoning Administration  
and Development Management



95-121-A

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

OCTOBER 7, 1994

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-121-A (Item 122)

NE/S Bld River Road at Meadow Glen Road and Rohe Farm Lane

Rohe Farm

15th Election District - 5th Councilmanic

Petitioner(s): Rohe Farm Lane Development, Inc.

HEARING: WEDNESDAY, NOVEMBER 2, 1994 at 11:00 a.m. in Room 118, Old Courthouse.

Variance to permit rear window to tract boundary of 30 feet in lieu of the 35 feet as required for lots 5-14; to permit side building face to side building face setback of 25 feet in lieu of the 40 feet window to window setback between lots 1-14, 36-40, 47-54, and 62-65; to permit height to height setback of 25 feet in lieu of the 40 feet for elevation heights of 30 feet as required between lots 1-14, 36-40, 47-54, and 62-65; to permit side building face to side building face setback of 16 feet in lieu of the 40 feet window to window setback as required between lots 15-35, 41-46, and 55-61; to permit height to height setback of 16 feet in lieu of the 40 feet for elevation heights of 30 feet as required between lots 15-35, 41-46, and 55-61; and to permit side building face to tract boundary of 20 feet for lots 46 and 55 and 25 feet for lot 54 in lieu of the 35 feet as required.

Arnold Jablon  
Director

cc: Thomas O. Frech/Rohe Farm Lane Development, Inc.  
David Meadows, Esq.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County Government  
Office of Zoning Administration  
and Development Management



111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

David Meadows  
41111 East Joppa Road  
Baltimore, Maryland 21236

OCT. 31 1994

RE: Case No. 95-12QANo. Item122  
Petitioner: Rohe Farm Lane Development,

Dear Petitioner:

The Zoning Advisory Committee (ZAC) has reviewed the plans submitted with the above-referenced petition, which was accepted for filing on September 30, 1994 and scheduled for a hearing accordingly. Any attached comments from a reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the hearing file.

The following is related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office:

1. The director of the Office of Zoning Administration and Development Management has instituted a system whereby zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions' filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.
2. Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is the possibility that another hearing will be required or the zoning commissioner will deny the petition due to errors or incompleteness.
3. Those individuals who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72-hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e., 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Joyce Watson in the zoning office at 887-3391 or the commenting agency.

Sincerely,

W. Carl Richards, Jr.  
Zoning Supervisor

WCR/jnw  
Enclosure(s)


RECEIVED



B A L T I M O R E   C O U N T Y,   M A R Y L A N D  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

October 19, 1994

TO:        Mr. Arnold Jablon, Director  
            Zoning Administration and  
            Development Management

FROM:      J. Lawrence Pilson,   
            Development Coordinator, DEPRM

SUBJECT:   Zoning Item #122 - Rohe Farm  
            Bird River Road & Rohe Farm Lane  
            Zoning Advisory Committee Meeting of October 11, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

✓  
JLP:GS:sp

ROHE/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND  
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director      DATE: October 17, 1994  
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief  
Developers Engineering Section

RE: Zoning Advisory Committee Meeting  
for October 17, 1994  
Items 113, 115, 118, 120, 122, 123 and 124

The Developers Engineering Section has reviewed  
the subject zoning items and we have no comments.

RWB:sw

Baltimore County Government  
Fire Department



700 East Joppa Road  
Towson, MD 21286-5500

Office of the Fire Marshal  
(410) 887-4880

DATE: 10/10/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner:

LOCATION: DISTRIBUTION MEETING OF 10/11/94

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,  
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 113, 114, 116, 117, 119,  
120, 121, 122 AND 123.

RECEIVED  
OCT 11 1994  
ZADM

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File





*Maryland Department of Transportation  
State Highway Administration*

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

10-7-94

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No.: +122 (JJ3)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*Bob Small*

*for*

David Ramsey, Acting Chief  
Engineering Access Permits  
Division

BS/

OCT. 07 1994

My telephone number is \_\_\_\_\_

Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

*2000-05-10*

95-121A  
11/2

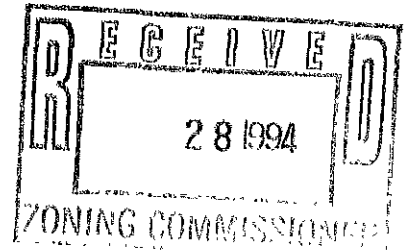
## INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration &  
Development Management

FROM: Pat Keller, Director  
Office of Planning and Zoning

DATE: October 21, 1994

SUBJECT: Rohe Farm

INFORMATION:

Item Number: 122

Petitioner: Rohe Farm Lane Development, Inc.

Property Size: 12.362

Zoning: D.R.-1 & D.R.-2

Requested Action: Variance

Hearing Date: 11 / 2 / 94

SUMMARY OF RECOMMENDATIONS:

Based upon the information provided, staff offers the following comment:

The Rohe Farm Project was approved through the old CRG process on 8/31/89. The property is zoned D.R.-1 and D.R.-2 and there was a great deal of discussion regarding the consolidation of density onto the area known as Section I. The result of this compression is that the lot sizes are small, irregularly shaped and compacted to maximize density on the sewerable portion of the site. The actual density on Section I is 3.246 dwelling units per acre (65 units on 21.1 acres). This area also includes 1.059 acres of local open space and 2.4 acres of roads. Subtracting these areas the density increases to 3.69 dwelling units per acre.

Recognizing, at the time of the C.R.G., that the compaction of density and the design of the lots would indeed create problems, the developer was required to submit detailed lot setbacks and building elevations. It now appears what staff was concerned about in 1989, and indeed the developer assured the County would not happen, has in fact happened! The developer is now requesting variances for lots that cannot be developed.

In 1992, when the Development Regulations and Zoning Regulations were drastically changed, it was recognized that projects developed under the old C.R.G standards would desire blanket variances to use the new setbacks without conforming to the other design related regulations. Page 33, of the CMDP, Blanket Vari-



ancés addresses these types of cases. In this particular case, the Rohe Farm project should be submitted for Development Plan Review rather than be granted the blanket variances in order<sup>e</sup> to obtain the best of both worlds.

Prepared by: \_\_\_\_\_

Division Chief: \_\_\_\_\_

PK/JL

RE: PETITION FOR VARIANCE	*	BEFORE THE
NE/S Bird River Road at Meadow Glen		
Road and Rohe Farm Lane, Rohe Farm	*	ZONING COMMISSIONER
15th Election Dist., 5th Councilmanic		
	*	OF BALTIMORE COUNTY
Rohe Farm Lane Development, Inc.		
Petitioner	*	CASE NO. 95-121-A
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Peter Max Zimmerman*  
 \_\_\_\_\_  
 PETER MAX ZIMMERMAN  
 People's Counsel for Baltimore County

*Carole S. Demilio*  
 \_\_\_\_\_  
 CAROLE S. DEMILIO  
 Deputy People's Counsel  
 Room 47, Courthouse  
 400 Washington Avenue  
 Towson, MD 21204  
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 20<sup>th</sup> day of October, 1994, a copy of the foregoing Entry of Appearance was mailed David Meadows, Esquire, 4111 E. Joppa Road, Baltimore, MD 21236, attorney for Petitioner.

*Peter Max Zimmerman*  
 \_\_\_\_\_  
 PETER MAX ZIMMERMAN

RECORDED

PRE-CRG COMMENTS

CURRENT PLANNING AND DEVELOPMENT

NAME: Rohe Property 11:00 AM

DATE: 8/21/89

1. Current Planning CRG number XV-461 must be filled in along with Public Services CRG number.
2. This site is located within a water deficient area as designated on the Basic Services Maps adopted by the County Council. The Basic Services Maps are reviewed annually, as it is the intention of the County Council that existing services deficiencies will be corrected in accordance with the Master Plan and Capital Improvement Program. County Council Bill 178-79 requires that no building permit may be issued and no final subdivision approval may be granted in a deficient service area until the deficiency in the public water supply is corrected and a fire flow test is conducted and meets the standards established by the National Board of Fire Underwriters.
3. This site is located within a traffic area controlled by a "D" level of service intersection at Middle River Road and Pulaski Highway as designated on the Basic Services Maps adopted by the County Council. Although the present level of service is correctly considered to be adequate, Baltimore County recognizes that continuing development in certain areas may create future service deficiencies. Such development is not intended to be restricted unless there is a substantial probability that an arterial and arterial collector intersection situated within the mapped area will, on the date the map became effective, be rated at level of service "E" or "F". For this reason, the Basic Services Maps are reviewed annually, as it is the intention of the County Council that existing service deficiencies will be corrected in accordance with the Master Plan and Capital Improvement Program.
4. Uniform fencing should be provided along all side and rear yards.
5. Due to the zero lot line configuration of this subdivision, architectural elevations should be consistent throughout the project.
6. Pursuant to Section 22-99 of the Baltimore County Development Regulations, adequate measures must be taken to mitigate the effects of development on soils with moderate or severe limitations. Protective measures to prevent erosion or sloughing of steep slopes must also be addressed. Prior to CRG approval, the above mitigative measures must be noted on the plan.
7. Street "A" must be properly terminated with a full turnaround, depending on the future extension of Rohe Farm Lane, a full turnaround may be required.
8. Use in common driveways should be provided for lots along Bird River Road.
9. A final landscape plan, approved by Office of Planning and Zoning, is required prior to the issuance of building permits.

BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENT  
FROM: OFFICE OF PLANNING AND ZONING

DATE 8/30/89

---

PROJECT NAME: ROHE FARM DEVELOPMENT XXXXX 11:00 A.M. PLAN

PROJECT NUMBER: XV-461

---

The Rohe Farm Development is located on the north east corner of Rohe Farm Lane and Bird River Road. the plan calls for 65 single family units to be developed on 45.9 acres.

No building permits will be issued until the Basic Services Map concerning public water and corrected.

The storm water management facility should be effectively screened from all adjacent residential properties.

A final landscape plan, approved by Office of Planning and Zoning, is required prior to the issuance of building permits.

A:CRG85.txt

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BALTIMORE COUNTY, MARYLAND

SUBJECT: COUNTY REVIEW GROUP COMMENTS

CRG DATE: 8/31/89  
(previously approved 10/14/87)  
PRE-CRG DATE: 8/21/89

FROM: ZONING OFFICE

PROJECT NAME: Rohe Farm Development  
(Formerly Rohe Property)

PLAN: 6/28/89

REV.:

REV.:

LOCATION: SE/S Bird River Road,  
cor NE/S Rohe Farm Lane

REVISED PLAN KEY:

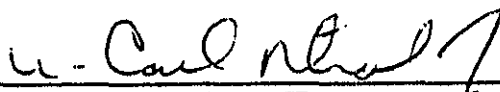
- (X) COMPLIANCE WITH COMMENT CHECKED
- (O) NON-COMPLIANCE IS CIRCLED
- (BA) BE ADVISED (NOT NECESSARY FOR CRG  
APPROVAL, BUT MUST BE ADDRESSED

DISTRICT: 15c5

PRIOR TO FINAL ZONING APPROVAL)

ADDITIONAL COMMENTS ADDED LAST BY PLAN DATE

1. Correct the zone lines and coordinate points as per the 1"=200' scale 1988 zoning map #NE6I and adjust the density calculations and permitted units down accordingly. Clarify how the gross D.R.-2 zoned area is 2.5 acres less than the net D.R.-2 zoned area and clarify in detailed calculations the source of the gross acreage by zone over the net acreage by zone. (5.73 acres difference in the D.R.-1 zone.) Correct all calculations and include Parcel "A" as a density lot utilized.
2. Correct the tract boundary setback to 35 feet on Lots #5-14 and dimension the tract boundary setback around the Lyons property. Provide average street front setbacks on Lots #54, #55 and #1 as per Section 303.1 (B.C.Z.R.) and Zoning Policy S-8. Correct the Rohe Farm Lane street setback on Lot #1.
3. Dimension all lines of subdivision; clarify the in-fee access for the Lyons property which appears to be within a public right-of-way. Increase the scale of the plan print on the Final Development Plan and increase the scale of the vicinity map to minimum 1"=1,000' on the C.R.G. plan. Indicate the ownership of the land between Court "B" and the Lyons property. Provide dwelling front directional arrows on Lot #49 and corner lots and adjust the building envelopes to the required setbacks. Locate all existing buildings on the property, describe existing and proposed use and show the front orientation of all dwellings to remain.



W. CARL RICHARDS, JR.  
Zoning Coordinator

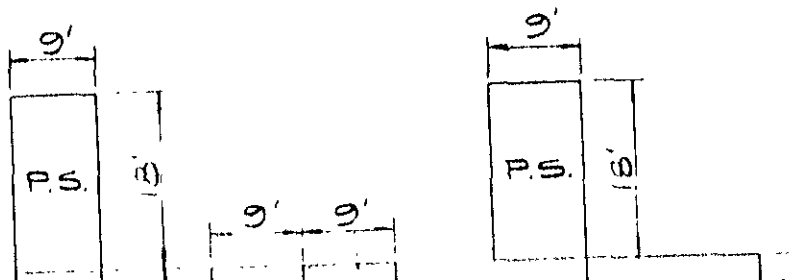


**Variances requested:**

1. Rear Window to Tract Boundary of 30 feet in lieu of the 35 feet as required by the Baltimore County Zoning Regulations (BCZR 1971-1992) Section 1B01.2.C.2.a and the previous Comprehensive Manual of Development Policies (CMDP) Section V.B.5.a for lots 5-14.
2. Side Building Face to Side Building Face Setback of 25 feet in lieu of the 40 feet Window to Window Setback as required by the BCZR 1971-1992 Section 1B01.2.C.2.b and the previous CMDP Section V.B.6.c between lots 1-14, 36-40, 47-54 and 62-65
3. Height to Height Setback of 25 feet in lieu of the 40 feet for elevation heights of 30 feet as required by the BCZR 1971-1992 Section 1B01.2.C.1 and the previous CMDP Section V.B.3.b between lots 1-14, 36-40, 47-54 and 62-65.
4. Side Building Face to Side Building Face Setback of 16 feet in lieu of the 40 feet Window to Window Setback as required by the BCZR 1971-1992 Section 1B01.2.C.2.b and the previous CMDP Section V.B.6.c between lots 15-35, 41-46 and 55-61.
5. Height to Height Setback of 16 feet in lieu of the 40 feet for elevation heights of 30 feet as required by the BCZR 1971-1992 Section 1B01.2.C.1 and the previous CMDP Section V.B.3.b between lots 15-35, 41-46 and 55-61.
6. Side Building Face to Tract Boundary of 20 feet for lots 46 and 55 and 25 feet for lot 54 in lieu of the 35 feet as required by the Baltimore County Zoning Regulations (BCZR 1971-1992) Section 1B01.2.C.2.a and the previous Comprehensive Manual of Development Policies (CMDP) Section V.B.5.a.

# PETITIONER'S EXHIBIT 2

NOTE: PARKING SPACES  
MAY BE IN A GARAGE



MICROFILMED

c. Building Setback Requirements. (Bill No. 2, 1992.)

1. Except as otherwise may be provided under standards adopted pursuant to Section 504.2, the minimum setbacks and heights shall be as set forth in the following tables:

a.

<b>NONRESIDENTIAL PRINCIPAL BUILDING SETBACKS IN D.R. ZONES</b>				
	<b>Front Yard</b>	<b>Side Yard Interior</b>	<b>Corner Street Side</b>	<b>Rear Yard</b>
D.R. 1	70	40	65	50
D.R. 2	60	30	50	40
D.R. 3.5	50	20	35	30
D.R. 5.5	40	20	35	30
D.R. 10.5	25	20	35	50
D.R. 16	30	25	25	30

[Bill No. 2, 1992]

b.

<b>SINGLE FAMILY DETACHED, TWO-FAMILY ALTERNATIVE SITE DESIGN DWELLINGS</b>				
	<b>D.R. 1 &amp; 2 Zones</b>	<b>D.R. 3.5, 5.5, 10.5 &amp; 16 Zones</b>	<b>Alternative Site Design Dwellings</b>	
			<b>Zero &amp; Zipper Lots All D.R. Zones</b>	<b>Neo-Traditional All D.R. Zones</b>
From front building face to:				
Public street right-of-way, or property line	25'	25'	25'	15'
Arterial or Collector	--	--	--	25'
From side building face to:				
Side building face	30'	16' < 20' high 20' > 20' high	16'	16' < 20' high 20' > 20' high
Public street right-of-way	25'	15'	15'	15'
Paving of a private road	30'	25'	25'	25'
Tract boundary	25'	15'	15'	15'
From rear building face to:				
Rear property line	30'	30'	20'	50'
Public street right-of-way	30'	30'	20'	50'
<b>Additional Setbacks:</b> Setbacks for buildings located adjacent to arterial roadways shall be increased by an additional 20 feet				
This table lists minimum setback requirements and building heights for urban residential use. For a fuller explanation of these and other requirements, consult the Comprehensive Manual of Development Policies.				

[Bill No. 2, 1992]



Old Reg

that portion lies and totalling the results, shall be permitted without further regard to the zone boundary, and the units may be distributed over the tract as though it were in a single zone. [Bill No. 100, 1970.]

B. Bulk Regulations. [Bill No. 100, 1970.]

Amended  
Bill 2-92

1. Detached and Attached Buildings. In the application of the provisions of this article, buildings shall be considered as detached if there are no above-grade structural connections between them. Where buildings are, in fact, structurally connected above grade, they shall be considered as mutually attached buildings if divided by lot lines, or as one building if situated on a single lot. [Bill No. 100, 1970.]
2. Maximum Width of Building Elevation. The maximum width of any elevation of a detached building or group of attached buildings shall be 300 feet, except that a greater width may be authorized under special-exception procedures as provided in Section 502, if such width is in accordance with standards adopted under the authority of Section 504. [Bill No. 100, 1970.]
3. Maximum<sup>4</sup> Passageway Width. The minimum width of any exterior passageway between attached buildings or between portions of a single building shall be 10 feet. [Bill No. 100, 1970.]

C. Open-Space, Building-Separation, and Other Area Standards. [Bill No. 100, 1970.]

1. Distances Between Separate Buildings. Except as otherwise may be provided under standards adopted pursuant to Section 504, the minimum horizontal distance from any point on a building in a D.R. zone to the vertical projection of any point on another building not mutually attached shall be as set forth below:

Above-Grade Elevation of Higher Point	Minimum Horizontal Distance to Vertical Projection of Point on Building Not Mutually Attached
20 feet or less	16 feet
More than 20 feet but not more than 25 feet	25 "
" " 25 " " " " 30 "	30 "
" " 30 " " " " 40 "	40 "
" " 40 " " " " 50 "	60 "
More than 50 feet	75 feet

[Bills No. 100, 1970; No. 36, 1988.]

2. Distances Related to Windows.

- a. Where any dwelling-unit window within a subdivision faces a property line which is not a street line prior to the time of development but, otherwise, which forms any part of the tract boundary, the window shall not be closer than 35 feet to the boundary. [Bill No. 100, 1970.]
- b. Except as otherwise may be provided under standards adopted pursuant to the authority of Section 504, the minimum distance between the centers of facing windows of different dwelling units on the same subdivision tract shall be 40 feet. [Bill No. 100, 1970.]

3. Setbacks from Street Centerlines. The minimum distance between any building and the centerline of any street existing prior to the time of development shall be 50 feet or such greater distance as may be prescribed under standards adopted pursuant to the authority of Section 504. [Bill No. 100, 1970.]

[4. Minimum Area Standards in Residential Transition Areas. . . . included by Bill No. 100, 1970, and deleted by Bill No. 124, 1981.]

5. Local Open Space. Local open space tracts in D.R. zones shall be designed, established, and maintained in accordance with the standards, guidelines, and procedures set forth in the Baltimore County Subdivision Regulations (specifically, Sections 22-51, 22-52, 22-53, 22-54, 22-57, and 22-58, and portions of 22-55 of the Baltimore County Code, 1968), as well as Chapters I, II, IV, V, VII, VIII, and IX of the Local Open Space Manual, June, 1965, as approved by the Planning Board and the Board of Recreation and Parks. Those provisions of said regulations and manual heretofore applicable within residence zoning classifications now rescinded shall be applied to corresponding D.R. zoning classifications to the full extent of consistency with these Zoning Regulations. Provided, however, that upon the effective date of revised subdivision regulations







PREPARED BY AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	MIDDLE RIVER VICINITY	N.E. 6-1
DATE OF PHOTOGRAPHY JANUARY 1986	MICROFILMED	

125



